

Clinton and Nadler to Investigate Federal Government Failures on Environmental Impacts of 9/11 World Trade Center Attacks

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WASHINGTON, D.C. – Senator Hillary Rodham Clinton (NY), Chair of the Senate Environment and Public Works Subcommittee on Superfund and Environmental Health, and Congressman Jerrold Nadler (NY-08), Chairman of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, announced today that they will conduct companion hearings into the failures of the Federal government in responding to the environmental crisis that resulted from the September 11, 2001 World Trade Center attacks. For over five years, Clinton and Nadler have staunchly criticized the Administration's misleading public statements about post-9/11 air quality, as well as its continued failure to provide a proper testing and cleaning of indoor spaces contaminated by WTC toxins and its lack of provision of health care for the thousands of people who are ill as a result of exposure to the pollutants.

These hearings represent the first comprehensive Congressional oversight investigations into these environmental matters since the immediate aftermath of the attacks. While in the Majority, Republican House leadership steadfastly refused to hold a single hearing on this matter, or even respond to a written request made in September 2003 by Nadler, then-Minority Leader Nancy Pelosi, and then-Ranking Members John Conyers, John Dingell, George Miller, and Henry Waxman. (See http://www.house.gov/nadler/archive108/EPA_091703.htm).

"We need to examine what went wrong and assess whether the federal government is better prepared to respond to environmental hazards in future disasters," said Senator Clinton. "I also remain concerned about potential indoor contamination resulting from the collapse of the World Trade Center and want to take a close look at the EPA's inadequate program to test and clean residential areas in Manhattan."

"Finally, we have an opportunity to hear, on the record and first hand, who in the federal government was really responsible for key decisions about the handling of post-9/11 air quality. And from there we can finally learn why those decisions were made -- decisions that are still having an impact on 9/11 victims today," said Nadler. "The lack of thorough Congressional oversight thus far has allowed for years finger-pointing and evading of responsibility on the part of the Federal government, but now is time for the truth. We must, at long last, get to the bottom of these matters, so we can do what is right for the heroes of 9/11, and ensure that we prevent anything like this from ever happening again." he added.

The House hearing is scheduled to take place on Tuesday, May 22, 2007, at 10:00 A.M. in Room 2141 of the Rayburn House Office Building, and will examine the federal post-9/11 environmental response and related possible violations of the "substantive due process rights" of individuals living and working in the vicinity of the World Trade Center on, or after, September 11, 2001. In a recent decision, the U.S. District Court for the Southern District of New York found that former EPA Administrator Christine Todd Whitman's falsely reassuring and misleading statements of safety after the September 11, 2001 attacks were "without question conscience-shocking." The court also found the facts "support an allegation of a violation of the substantive due process right to be free from official government policies that increase the risk of bodily harm" by Whitman's misstatements regarding the air quality of the affected area. An EPA Inspector General review reached similar conclusions. Invited to testify are:

- Christine Todd Whitman, Former Administrator, Environmental Protection Agency (EPA) [invited];
- John Henshaw, Former Administrator, Occupational Safety and Health Administration (OSHA) [invited];
- Samuel Thernstrom, Former Member, White House Council on Environmental Quality (CEQ) [confirmed];
- Tina Kreisher, Former Associate Administrator for Communications, Education and Media Relations, Environmental

Protection Agency (EPA) [invited];

- Suzanne Mattei, Former New York City Executive of the Sierra Club and Author of Pollution and Deception at Ground Zero [confirmed];
- David Newman, New York Committee for Occupational Safety and Health and Former Member, World Trade Center Technical Review Panel [confirmed];
- Paul Harris, Shook, Hardy & Bacon [confirmed] (minority witness);
- Other minority witness to be determined

The Senate hearing is tentatively scheduled for June 20th, 2007 and will examine the federal response to 9-11, including risk communication and U.S. Environmental Protection Agency programs to test and clean indoor spaces in lower Manhattan. The hearing will also examine lessons learned from 9-11 and federal readiness to respond to releases of hazardous substances in future emergencies. The hearing is expected to include testimony from EPA and CEQ officials, as well as affected New Yorkers and scientific experts.

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